

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)
(Consolidated Action)

**TEXAS NAACP AND MALC PLAINTIFFS' UNOPPOSED MOTION TO
SUPPLEMENT PETITION FOR AWARD OF ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION EXPENSES**

Attorneys for the Mexican American Legislative Caucus of the Texas House of Representatives ("MALC") and the Texas State Conference of NAACP Branches ("Texas NAACP") hereby bring this motion to supplement the previously filed petition for attorneys' fees and reimbursement of litigation expenses (Doc. 1174). This motion seeks to supplement Doc. 1174 with the declaration and associated attachments of attorney Daniel Covich, counsel for the NAACP in this matter. This motion is unopposed, provided Defendants' response deadline is extended to Thursday, October 3. Defendants will be filing a motion to that effect shortly.

Mr. Covich closed his solo law firm the year after the bench trial in this matter and later encountered a number of personal challenges, including his mother's Alzheimer's and the death of his mother-in-law, that inhibited the timely submission of his petition for attorney's fees. Mr. Covich petitions for just 40 hours of his time spent litigating this case, amounting to \$22,880. Accordingly, Mr. Covich's fees represent less than 1% of the total fees sought by MALC and Texas NAACP attorneys in this matter. Mr. Covich does not seek reimbursement for any of his litigation expenses.

If the Court approves this motion, the total fees sought by the Texas NAACP/MALC group would be as follows:

Total Fees Sought by Texas NAACP/MALC Plaintiff Group

Firm/Organization	Total Fees Sought
Dechert LLP	\$1,484,304.60
Lawyers' Committee for Civil Rights Under Law	\$583,962.19
Brennan Center for Justice	\$246,689.90
Texas NAACP	\$90,692.95 ¹
MALC	\$50,817.70
<u>Totals</u>	<u>\$2,456,467.34</u>

As noted above, Mr. Covich does not seek reimbursement of his expenses. Accordingly, the total expenses sought by this Plaintiff group are identical to those in Doc. 1174:

Total Expenses Sought by Texas NAACP/MALC Plaintiff Group

Firm/Organization	Total Expenses Sought
Dechert LLP	\$267,418.95
Lawyers' Committee for Civil Rights Under Law	\$16,883.09
Brennan Center for Justice	\$51,405.95
TX NAACP	\$898.75
MALC	\$2,016.04
<u>Totals</u>	<u>\$338,622.78</u>

¹ Mr. Covich's fees are included in this row. Aside from that change and the revised grand total, there are no other revisions to this table.

Date: September 19, 2019

Respectfully submitted,

/s/ Lindsey B. Cohan

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NAACP Branches and the Mexican American
Legislative Caucus of the Texas House of
Representatives*

CERTIFICATE OF CONFERENCE

I have conferred with counsel for Defendants, Mr. Matthew Frederick, and have been informed that Defendants do not oppose the motion to supplement, but oppose the underlying fee application.

/s/ Ezra Rosenberg

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2019 I electronically served the foregoing via ECF on all other parties in this litigation.

/s/ Lindsey Cohan

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DECLARATION OF DANIEL G. COVICH
IN SUPPORT OF REQUEST FOR ATTORNEY'S FEES

I, Daniel G. Covich, hereby declare as follows:

1. I was co-counsel/local counsel for Plaintiff, Texas State Conference of NAACP Branches ("Texas NAACP"), in the above-captioned case. The testimony set forth in this Declaration is based on first-hand knowledge, about which I could and would testify competently in open court. This Declaration is submitted in support of Plaintiffs' Motion for Attorney's Fees. Plaintiffs are prevailing parties in this action and are entitled to attorney's fees and costs as authorized by the Voting Rights Act, 42 U.S.C. §19731(e) as amended 2006.
2. I closed my solo law firm the year after the bench trial in this matter and later encountered a number of personal challenges, including attending to my

mother who has Alzheimer's and grieving the death of my mother-in-law.

Accordingly, my energies were focused on the well-being of my family which affected my ability to submit a timely motion for fees in this matter.

3. I became involved in this litigation in 2013 along with counsel from the National NAACP and other experienced Voting Rights and Trial counsel to represent Texas NAACP.
4. At all times relevant, I was Co-Chair of the Texas NAACP Legal Redress Committee, and worked for and with the NAACP on other legal matters and cases including but not limited to civil rights matters and institutional class actions involving lenders in the minority mortgage industry. There were expert counsel in the area of Voting Rights so I deferred to them to take the lead role but believe that I played an important role in helping to advance Plaintiffs' interests, and in reporting to local officials of the Texas NAACP. Attachment No. 1 is my resume.
5. I am requesting compensation for a total of 40.00 hours spent on the case. I have attached the time records maintained in this action. See Attachment No. 2.
6. Daily time records were not always kept in this matter. However, I have independent recollection of receiving and reviewing motions, pleadings, or briefs in this matter, participating in real time conversations and strategy

meetings with lead and co-counsel in this matter both before and during the trial phase of this matter. I worked closely, on a daily basis, with attorney Gary Bledsoe on this matter.

7. The lodestar calculation is made based upon reasonable hourly rates for all current attorneys. For this case, Plaintiffs ask that the Court to adopt the USAO attorney's fees matrix, for 2015-2019 in light of recent fee awards in the Southern District of Texas, which are similar to the matrix index. In accordance with that index, I am requesting a rate of \$572 per hour for the billable time of 40 hours in this matter. My actual time in this matter is much higher than the 40 hours requested.
8. Applying these rates to the hours expended, the total fees sought by Daniel G. Covich is \$22,880 for the hours for which payment is sought.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this Declaration was prepared in Corpus Christi, Nueces County, Texas on September 16, 2019.

/s/Daniel G. Covich
Daniel G. Covich

ATTACHMENT NO. 1
RÉSUMÉ – DANIEL G. COVICH

DANIEL G. COVICH

320 Pasadena Place

Corpus Christi, Texas 78411

361.442.3989

daniel@covichlawfirm.com

SUMMARY OF QUALIFICATIONS

Civil litigator; Litigation team management. Significant background in civil rights and discrimination cases. Former Adjunct Professor of Law at University of Texas Law School; Former Texas Assistant Attorney General-Tort Claims Defense.

PROFESSIONAL EXPERIENCE

The Covich Law Firm P.L.L.C.

Manager/Trial Attorney

Corpus Christi, Texas

July 2014 –Present

Responsibilities include management of law firm and full time law practice focusing on personal injury/wrongful death litigation, premises liability litigation, commercial vehicle litigation; fleet vehicle litigation, and general civil litigation.

Webb, Cason & Covich, P.C.

Partner

Corpus Christi, Texas

June 2004 –June 2013

Responsibilities included shared management of law firm and litigation team management. Personal injury and wrongful death litigation, premises liability litigation, commercial vehicle litigation, and general civil litigation.

Harris Mejia, L.L.P.

Associate Attorney

Corpus Christi, Texas

June, 2003 – June 2004

Product liability litigation, wrongful death litigation, automobile manufacturer and tire manufacturer litigation with emphasis on commercial vehicle litigation.

The Allison Law Firm

Associate Attorney

Corpus Christi, Texas

October, 2000 – May, 2003

Product liability litigation, wrongful death litigation, automobile manufacturer and tire manufacturer litigation; commercial vehicle litigation, and general civil litigation.

University of Texas Law School

Adjunct Professor

Austin, Texas

Trial Advocacy Skills Fall, 2000

Taught second and third year law students trial skills including introduction of evidence, objections and admission of exhibits, opening statements, basic direct and cross examination of witnesses, impeachment of witnesses, direct and cross examination of experts, and jury argument.

Office of the Attorney General

Assistant Attorney General

I. Natural Resources Division (Promotion) September 1999 – October 2000

Enforcement of the environmental laws of Texas including depositions, trials, and motion practice. Significant individual caseload.

II. Tort Litigation Division

Extensive trial practice defending State agencies and employees with a focus on medical malpractice litigation, and other Texas Tort claims litigation, successfully drafting and arguing numerous dispositive motions, and extensive deposition practice. Promoted to Natural Resources Division in May 2000.

Bob Binder and Associates

Associate Attorney

Austin, Texas

1993 – 1998

Personal Injury and Deceptive Trade Practice Consumer Law. Case load included employee rights, age discrimination and civil rights cases. Assisted firm in developing community and public relations programs.

Law Office Of Bobby Roberts, P.C.

Associate Attorney

Austin, Texas

1990–1993

Bad Faith litigation targeted at insurance companies.

Roth, Sokat & Best, PC

Associate Attorney

Brownsville, Texas

1987 – 1990

Product Liability litigation targeted at soft drink industry; premises liability and highway design litigation.

EDUCATION/LICENSURE

UNIVERSITY OF OKLAHOMA: JD,

Law, 1987

Texas State Bar

Federal Court: Northern and Southern Districts

Corpus Christi Bar Association 2000 – Present
Judicial Screening Committee
Elder Law Committee

TEXAS STATE UNIVERSITY

San Marcos, Texas, Bachelor of Science, Criminal Justice, 1983
Faculty Nomination as Outstanding Criminal Justice Student of the Year, 1982

AWARDS

2007 NAACP Recognition Award for service to community;
2012 NAACP Presidents Award–State
2012 NAACP Foot Soldiers’ Award–National

ATTACHMENT NO. 2**TEXAS STATE CONFERENCE OF NAACP BRANCHES v. TEXAS
TIME RECORDS FOR DANIEL G. COVICH**

Date	Matter	Description	Quantity	Rate
09/13/2013 Through 9/1/14	00036- Texas NAACP (Voter ID)	Reviewed proposed Complaint, and related correspondence, consolidation documents, emails, document production, and attended weekly NAACP section calls. Pre-trial preparation and strategy meetings and conferences with NAACP and co-counsel.	15.0 hours	15 hours @ \$572 per hour =\$8,580
9/2/14 through 10/22/14	00036- Texas NAACP (Voter ID)	Attended bench trial, met with lead counsel and co-counsel, supplied attorney notes and attended strategy meeting throughout trial.	Total time involved is over 40 hours for this time period, requesting billing for 25 hours total for this category.	25 hours @ \$572 per hour =\$14,300 .

Total HOURS for Daniel Covich representing Texas NAACP: 40.00

Total EXPENSES due for Daniel Covich: \$0Total due for Daniel Covich: 40 HOURS @ \$572/hour: \$22,880**TOTAL: \$22,880**

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**[PROPOSED] ORDER GRANTING TEXAS NAACP AND MALC PLAINTIFFS’
UNOPPOSED MOTION TO SUPPLEMENT PETITION FOR AWARD OF
ATTORNEYS’ FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

Pending before the Court is Texas NAACP and MALC Plaintiffs’ Unopposed Motion to Supplement Petition for Award of Attorneys’ Fees and Reimbursement of Litigation Expenses. Having considered the parties’ briefing on this matter, the Court finds that the motion should be, and hereby is, GRANTED.

So ORDERED this _____ day of _____, 2019.

THE HONORABLE NELVA GONZALES RAMOS